

REMARKS

This Amendment is submitted in response to the final Office Action dated April 19, 2006, issued in connection with the above-identified application. A request for continued examination (RCE) also accompanies this Amendment. Claims 27-29 are presently pending in the application. With this Amendment, claim 27 has been amended and claim 30 has been added. No new matter has been introduced as a result of this Amendment. Thus, favorable reconsideration is requested.

I. Response To Claim Rejections

Claims 27-28 stand rejected under 35 U.S.C. §102(e) as being anticipated by Nakashima et al. (U.S. Patent No. 5,930,825, hereafter "Nakashima"). Claim 29 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Nakashima in view of Schoen et al. (U.S. Patent No. 5,592,511, hereafter "Schoen"). The Applicants traverse the above rejections for the following reasons.

To expedite prosecution, the Applicants have herein amended independent claim 27 to further distinguish over the cited prior art. Claim 27 is amended to more particularly point out that the download identification information recorded in the first recording area is used for designating information that is to be downloaded to the recording medium when the recording medium is loaded in a downloading system. This downloading of information to the recording medium can also be an automatic operation that occurs when the recording medium is loaded in the downloading system. These features of the present invention are not disclosed, taught or suggested by the cited prior art and are fully supported by the Applicants' disclosure (see, Applicants' application, page 4, line 20-page 5, line 8).

Nakashima is directed to a method of protecting software from being unlawfully recorded by using a medium ID information storing area for storing identification information regarding the recording medium on which software/data is recorded. More specifically, an optical disk contains a main software area 130, medium ID 132 and a checking program 133. When the optical disk is loaded in a drive 21, the checking program 133 checks the medium ID to make sure that the optical disk is the original. If the optical disk is indicated as the original, the main software 130 of the optical disk is executed for downloading from the optical disk to, for example, a PC 31. However, if the optical disk is indicated as a copy, then a warning or other

message is displayed and the operation is halted (see, Nakashima, col. 14, line 60 – col. 15, line 43).

Thus, Nakashima appears to fall short of the present invention for the following reasons. First, the only disclosed ID used for the optical disk is for identification purposes, not for identifying the information to be downloaded. Second, the downloading of information appears to be from the optical disk to a PC or other device. In other words, information is not downloaded to optical disk, but from the optical disk to a PC or other device. Conversely, in the present invention, a user is able to use a downloading terminal or apparatus to download information to the recording medium. This downloading can be automatic based on the download ID recorded in the first recording area of the recording medium.

Moreover, Schoen does not appear to overcome the deficiencies noted above in Nakashima. Briefly, Schoen is directed to a system for creating a user-selected audio product (e.g., CD) containing a plurality of songs from different artist. The songs are downloaded from a central database to a workstation located at a distribution center (e.g., record store). Thus, although Schoen teaches or suggests downloading of data onto a CD, the downloading is neither based on a download ID recorded on the CD nor does the downloading appear to be automatic.

Therefore, even if one of ordinary skill in the art were to combine the teachings of Nakashiima and Scheon, the combination still would not teach or suggest all the features recited in at least claim 27 (as amended) and claim 30. In particular, the combination fails to teach or suggest a recording medium that includes the use of download identification information recorded in a first recording area, wherein the download identification information is used for designating information that is to be downloaded to the recording medium when the recording medium is loaded in a downloading system. The combination also fails to teach or suggest that this downloading of information to the recording medium can be automatic when the recording medium is loaded in the downloading system.

Independent claim 27 (as amended) and newly added dependent claim 30 are believed to be distinguishable over the cited prior art for at least the reasons noted above. Likewise, dependent claims 28-29 are believed to be distinguishable over the cited prior based on their dependency on independent claim 27.


II. Conclusion

In light of the above, the Applicants respectfully submit that claims 27-30 are in condition for allowance; thus, a timely Notice of Allowance is respectfully requested. The Director is authorized to charge and credit Deposit Account No. 02-1818 for any additional fees associated with the submission of this Amendment, including any time extension fees. Please reference docket number 112857-250.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY



Thomas C. Basso
Reg. No. 46,541
Cust. No. 29175

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